



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,993	04/11/2000	David Philip Tong	P2807	4578

32658 7590 04/29/2003

HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEEN ST.
DENVER, CO 80202

EXAMINER

FOULADI SEMNANI, FARANAK

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 04/29/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

12

Advisory Action

Application No.

09/546,993

Applicant(s)

TONG, DAVID PHILIP

Examiner

Faranak Fouladi

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1 and 3-8.

Claim(s) withdrawn from consideration: 2.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 3.

Applicant's reply has overcome the following rejection(s): 35 USC § 102 (b) for Claim 1 and 35 USC § 112 first Paragraph for Claims 1, 2, 5, 7 and 8. Currently amended claims 1 and 7 and previously added claim 5 are rejected under 35 U.S.C. 103(a) as well as claims 3 and 4. Claim 6 is still rejected under 35 USC § 102 (b). Currently amended claim 8 is also rejected under 35 USC § 102 (b) as being anticipated by Young.

Claim 1 is still rejected under 35 U.S.C. 103(a) as being unpatentable over Young and further in view of Aschenbrenner et al. [US 5406310]. Regarding currently amended claim 1 "a method for reducing colormap flashing on a display system, the display system having a frame buffer which provides a single hardware colormap, the method comprising the steps of: Intercepting a request from an application program for an allocation of a private colormap (Young discloses in col 1 lines 53-55); and transparently simulating the allocation of the private colormap using a default colormap, wherein the default colormap is retained in the frame buffer during the simulating and the simulating includes allocating a secondary lookup table for sorting information received from the application program relating to the intercepted request (Young discloses in col. 5 lines 2-25, and Abstract line 1-28) and wherein said step of transparently simulating the allocation of the private colormap further comprises: storing in the secondary lookup table information received from said application program relating to one or more requested colors privately allocated by said application program, performing a closest match of said requested color to a color stored in said default colormap; and returning said closest match to said application program." Aschenbrenner et al. discloses col. 6 lines 22-31 and col. 6 lines 48-51 the process of finding the closest color match of requested color to a color stored in default colormap and returning said closest match to said application. It would have been obvious to an ordinary person skilled in the art at the time of invention to combine the method for reducing color flashing of Young with the closest color matching of Aschenbrenner et al. to be able to always find a color for the image colors even if the colormap is full.

Regarding previously added claim 5 Young also discloses in col. 5 lines 3-5 that color values from private color map being copied into free cells of a shared default map.

Regarding currently amended claim 7 Aschenbrenner et al. discloses col. 6 lines 22-31 and col. 6 lines 48-51 the process of finding the closest color match of requested color to a color stored in default colormap and returning said closest match to said application. It would have been obvious to an ordinary person skilled in the art at the time of invention to combine the method for reducing color flashing of Young with the closest color matching of Aschenbrenner et al. to be able to always find a color for the image colors even if the colormap is full.

Regarding currently amended claim 8 Young discloses in col. 5 lines 2-25, and Abstract line 1-28.

Applicant argues on page 8 third paragraph that "...the invention is directed toward preventing colormap flashing by simulating allocation of a private colormap- without actually ever developing or creating such a private colormap." but applicant at page 4 line 3-4, 13-14 and 18 of the specification admits that his invention is a method and computer program product for reducing colormap flashing on a display system.

Applicant argues on the third and fourth paragraph of page 9 that Young fails to teach the creation of a secondary lookup table for storing information from an applications request for a private colormap, Young discloses the creation of a colormap for private use (Private colormap) in col. 1 lines 53-55. In addition there is no detail on any differences between a secondary lookup table and a private colormap in the specification and furthermore these two name represent the something in the art.

Jeffery A. Brier
JEFFERY BRIER
PRIMARY EXAMINER